

The Corporation of the City of Richmond Hill

By-Law 40-20

A By-law to amend By-law 74-12, as amended, being a By-law to Govern the Proceedings of Council of the Corporation of the City of Richmond Hill, to enact Electronic Meeting Procedures During an Emergency

Whereas section 238(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act"), states that a municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

And Whereas on March 19, 2020, the Province of Ontario enacted the *Municipal Emergency Act, 2020*, to enact sections 238(3.3) and 238(3.4) the *Municipal Act, 2001* to permit meetings to be held electronically during a declared emergency pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E-9 (the "Emergency Management and Civil Protection Act");

And Whereas the Council of The Corporation of the City of Richmond Hill has enacted By-law 74-12, as amended, being a By-law to Govern the Proceedings of Council of the Corporation of the City of Richmond Hill, as amended (the "Procedure By-law");

And Whereas the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 ("COVID-19");

And Whereas on March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act related to COVID-19;

And Whereas on March 20, 2020, the Mayor of the City of Richmond Hill, pursuant to section 4 of the Emergency Management and Civil Protection Act, declared that an emergency exists in the municipality of the City of Richmond Hill due to COVID-19;

And Whereas the Lieutenant Governor has issued Order-in-Council 520/2020, pursuant to the Emergency Management and Civil Protection Act, prohibiting all organized public events of over fifty (50) people due to COVID-19;

And Whereas the Council of the Corporation of the City of Richmond Hill considers the protection of the health and safety of the public to be a paramount concern, has authorized the closure of City facilities, and authorized the Interim City Manager to take any and such action, including the cancellation of programs and services, as deemed necessary to address the COVID-19 emergency;

Now Therefore the Council of the Corporation of the City of Richmond Hill Enacts as Follows:

1. That By-law 74-12, as amended, be further amended by adding the following Article 12 to the By-law:

"Article 12 – Electronic Meeting Procedures during an Emergency

12.1 Definitions:

In this Article, the following definitions have the following meanings:

- (a) "Article" means this Article 12 to the By-law.
- (b) "Electronic Meeting" means a Meeting during an Emergency where a Member of a council, of a local board or of a committee of either of them who is participating electronically in a Meeting may be counted in determining whether or not a quorum of Members is present at any point in time.

- (c) “Emergency” means any period where an emergency has been declared to exist in all or part of the City under either Section 4 or Section 7.0.1 of the Emergency Management and Civil Protection Act.
- (d) “Emergency Management and Civil Protection Act” means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended, in accordance with Section 238(3.3) of the Act.

12.2 General Rules for an Electronic Meeting During an Emergency

12.2.1 Application

In accordance with Section 238(3.3) of the Act, these procedures shall only apply to a Meeting held during an Emergency.

12.2.2 Procedures – Same as Proceeding for Council or Committee – With Necessary Changes

Except as specifically set out in this Article, the procedures relating to Council and Committee Meetings set out in any Article of the By-law shall apply to any Electronic Meeting.

12.2.3 Health and Safety Policy – In-Person and Electronic Participation

- (a) During an Emergency, in determining whether to permit any in-person attendance at an Electronic Meeting, consideration shall be given to the health and safety implications of permitting some or any in-person attendance.
- (b) In determining whether to permit any in-person participation, the following specific considerations shall be considered:
 - i. any directive or advice of any appropriate authority (for example, a medical officer of health).
 - ii. where the physical presence of any person, including a Member, could pose a threat to the health and safety of any other person including any Member.

12.2.4 Type of Electronic Participation

- (a) Electronic Meetings may be held using any audio-only, audiovisual, or other electronic means that are available to all Members, as determined by the Clerk.
- (b) Wherever possible, the technology uses for an Electronic Meeting will permit the City to live-broadcast, or create an audio-only or audiovisual record the Open Session portion of a Meeting.
- (c) Where the only matter on an Agenda is a Closed Session matter under Section 5.3 of the By-law, the live-broadcast or the creation of an audio-only or audiovisual record of the meeting is not required.

12.2.5 Public Notice

- (a) A public notice of an Electronic Meeting will, wherever possible, include sufficient information as to provide the public with a means to electronically access the Open Session of such Electronic meeting.
- (b) Notwithstanding Section 6.1.7(b) of the By-law, notice of an Electronic Meeting called to address an Emergency or Time Sensitive Matter shall still be given by posting notice of the meeting on the City’s website with the information referred to in paragraph (a).
- (c) The saving provisions in Section 5.1.9 and 6.1.8 of the By-law shall apply to any public notice of any Electronic Meeting, with all the necessary changes in points of detail understood.

12.3 Members Participation in an Electronic Meeting

- (a) Unless otherwise directed by an appropriate authority, Members may choose to participate in an Electronic Meeting either in-person or electronically, and shall notify the Clerk and Chair of their choice.
- (b) Council may by resolution, provide that all or most Members will participate electronically in a meeting having regards for the criteria in Health and Safety Policy in Section 12.2.3.

12.4 Open to the Public – Section 238(3.1) of the Act

12.4.1 In-person Restrictions

The Mayor or Chair, in consultation with the City Manager and Clerk, may decide to limit or restrict any in-person attendance of any person other than a Member having regards for the criteria in the Health and Safety Policy in Section 12.2.3 of this Article.

12.4.2 Manner in Which Meetings are Open to the Public

- (a) For the purpose of an Electronic Meeting held during an Emergency, the manner in which a meeting is open to the public is by:
 - i. permitting delegations in writing pursuant to section 12.4.3;
 - ii. the posting of the records of the Open Session portion of the Meeting to the City's website in a timely manner following the meeting; and
 - iii. making such records available for inspection by the public.
- (b) For the purpose of this section, the records of the meeting includes any audio-only or audiovisual recording of the Meeting, and any minutes of the Meeting, including minutes that have not yet been adopted.

12.4.3 Delegations in Writing Only

- (a) During an Electronic Meeting, delegations shall be in writing only notwithstanding any other provision of this by-law.
- (b) Written delegations may be sent to the Clerk at clerks@richmondhill.ca, or by any other means identified by the Clerk.
- (c) Written delegations will be distributed to all Members in the most practicable way possible, including before, during or after a Meeting.

12.4.4 No Public Forum

There shall be no Public Forum during a regular meeting of Council conducted as an Electronic Meeting.

12.4.5 Posting Unadopted Minutes

- (a) The Clerk shall post the minutes of any Electronic Meeting to the City's website as soon as possible following the meeting, regardless of whether or not those minutes have been adopted.
- (b) The Clerk will remove the unadopted Minutes from the City's website and post the minutes that have been formally adopted.

12.5 Additional Rules – Quorum, Roll Call and Absences

12.5.1 Quorum

Members attending electronically or in-person during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the Meeting, and shall be entitled to vote as if they were attending the Meeting in person.

12.5.2 Call to Order

The Chair will call a Meeting to order once satisfied that a sufficient number of Members are electronically participating in a Meeting to constitute a quorum.

12.5.3 Roll Call

Immediately after calling the Meeting to order, the Chair shall direct the Clerk to conduct a roll call to identify the Members participating in a Meeting and confirm that a quorum is present.

12.5.4 Members not present during Roll Call

A Member who is not present during the roll call, and who subsequently joins the Meeting will:

- (a) in the case of a Member joining in-person or by audiovisual means be identified by the Chair or the Clerk at an appropriate time.
- (b) in the case of a Member joining electronically by audio only means, wait until the current Member speaking has finished speaking and then by means of a Point of Order advise the Chair and Clerk of his or her attendance at the Meeting.

12.5.5 Absences During an Electronic Meeting

A Member who is participating electronically in a Meeting who, for any reason or duration will no longer be electronically participating prior to adjournment shall by means of a Point of Order, without interrupting a Member when speaking, advise the Chair and Clerk of his or her absence from the Meeting.

12.6 Additional Rules of Debate – Speaking Order

12.6.1 Speaking Order – Regular or Special Council Meeting.

In any regular or Special Council meeting conducted as an Electronic Meeting, the speaking order for any matter shall normally be:

- (a) The mover and a seconder of any motion.
- (b) All other Members in the following order:
 - i. The Regional and Local Councillor who is named first in any Deputy Mayor By-law enacted under Section 4.2 of the By-law;
 - ii. The Regional and Local Councillor who is named second in any Deputy Mayor By-law enacted under Section 4.2 of the By-law;
 - iii. Ward 1 Councillor;
 - iv. Ward 2 Councillor;
 - v. Ward 3 Councillor;
 - vi. Ward 4 Councillor;
 - vii. Ward 5 Councillor;
 - viii. Ward 6 Councillor; and
 - ix. The Mayor.

12.6.2 Speaking Order - Committees of the Whole

In any Committee of the Whole Meeting conducted as an Electronic Meeting, the speaking order for any matter shall normally be:

- (a) The mover of a motion;
- (b) The remaining Members in the following order:
 - i. The Mayor;

- ii. the Regional and Local Councillor who is named first in any Deputy Mayor By-law enacted under Section 4.2 of the By-law;
- iii. The Regional and Local Councillor who is named second in any Deputy Mayor By-law enacted under Section 4.2 of the By-law;
- iv. Ward 1 Councillor;
- v. Ward 2 Councillor;
- vi. Ward 3 Councillor;
- vii. Ward 4 Councillor;
- viii. Ward 5 Councillor;
- ix. Ward 6 Councillor; and
- x. The Chair.

12.6.2 Speaking Order – All other Committee

In any other Committee Meeting conducted as an Electronic Meeting, the speaking order for any matter shall normally be:

- (a) The mover of a motion;
- (b) The remaining Members in the order determined by the Chair.

12.6.3 Observance of other rules

Unless not practicable as a result of the technology used for an Electronic Meeting, all other rules of debate in the By-law, including speaking times, shall be observed.

12.7 Voting during Electronic Meeting

12.7.1 Voice Votes

During an Electronic Meeting, all votes shall be a voice vote, unless:

- (a) The meeting is being conducted using audiovisual technology and all members are visible to the Chair, in which case a vote by show of hands is permitted; or,
- (b) A recorded vote has been requested by any member.

12.7.2 Voice Votes – How Conducted

A voice vote shall be conducted as follows:

- (a) The Chair shall ask all Members who are in favour of the Motion to say “Yes”.
- (b) The Chair shall ask all Members who are opposed to the Motion to say “No”.
- (c) The Chair will determine if in his or her opinion the Motion has carried or failed to carry.

12.7.3 Recorded Vote

- (a) Following any voice vote, a Member may request that the vote be conducted as a recorded vote.
- (b) During an Electronic Meeting, the order in which the Members vote during a recorded vote, including the first member to vote, may be randomly determined by the Clerk.

12.8 Additional Rules – Closed Session Meeting

12.8.1 Electronic Participation Permitted

In accordance with Section 238(3.3)(b) of Act, a Member may participate in any Closed Session portion of any Meeting conducted as Electronic Meeting during an Emergency, unless otherwise prevented by law from such participation.

12.8.2 Closed Session Roll Call

The Clerk shall conduct a roll call of the Members participating in any Closed Session portion of an Electronic Meeting Electronic. Any City Staff also participating shall advise the Clerk of their participation in a manner satisfactory to the Clerk.

12.8.3 Confidentiality in a Closed Session Electronic Meeting

Without limiting the confidentiality requirements set out in subsection 5.3.6, Members shall at all times maintain confidentiality while electronically participating in a closed session Meeting, including ensuring that no person who is not otherwise permitted to be in attendance in a closed session Meeting is in the location from which that Member is electronically participating in a closed session.

Passed this 25th day of March, 2020.

Dave Barrow
Mayor

Stephen M.A. Huycke
City Clerk